IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY EIGHTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B. SUDERSHAN REDDY

and
THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 12851 of 2004

Between:

1 Mantena Venkatarama Raju, s/o Laxmipati Raju,
R/o Khazipalem, Pittalavanipalem Mandal, Guntur District.
2 M.Sridevi, W/o Krishna Murthy Raju, Sarpanch,
Khazipalem Grampanchayat, Pittalavanipalem Mandal,

Guntur District.
3 Y.Venkateswaramma, W/o Srinivasa Rao, Sarpanch
Pothanakattivaripalem, Pittalavanipalem Mandal,
Guntur District.

..... PETITIONERS

AND

1 The Chief Engineer, Irrigation, Government of Andhra Pradesh,
Hyderabad.
2 The Superintendent Engineer, Irrigation Department, Tenali,
Guntur District.
3 The Deputy executive Engineer, Irrigation Department,

Duggirala, Guntur District.
4 The District Collector, Guntur.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ of mandamus or any other appropriate writ or direction declaring the action of the respondents in not taking any action on the representation dated 19-6-

2004 submitted by the petitioners as illegal and arbitrary and consequently direct the respondents to forthwith close the illegal breaches made for drawing of water from the Nizampatnam canal.

For the Petitioner: Mr. O.MANOHER REDDY, Advocate.

For the Respondents: GP FOR IRRIGATION & COMM AREA DEV.

The Court at the admission stage made the following Order: (per Sri B. Sudershan Reddy, J)

Heard the learned counsel for the petitioners and the learned Government Pleader for Irrigation.

The petitioners' claim to have made a representation to the Superintendent Engineer, Irrigation Department, Tenali, Guntur District, the 2nd respondent herein requesting him to initiate appropriate steps for the removal of illegal pipes from where water is being drawn from the canal in an illegal manner by some of the ryots adversely affecting the rights of the petitioners. In the very same representation, the petitioners also claim the relief of releasing the water to the tail end dry lands in time.

The gravamen of the complaint is that in spite of such a representation, no enquiry has been made by the Superintendent Engineer.

We cannot issue any Mandamus directing the respondents to release the water. The issues whether any water at all is required to be released to the dry lands and whether any illegal pipes at all have been laid for drawing water in an illegal manner by some other ryots are required to be gone into by the authorities concerned. The only direction that could be issued by this Court is to direct the 2nd respondent-Superintendent Engineer to make an enquiry into the matter and take steps appropriate steps in accordance with law, as expeditiously as possible.

The Writ Petition is accordingly disposed of.

(B. Sudershan Reddy, J)

28..07..2004

(K.C.BHANU,J)

ks

ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To

1 The Chief Engineer, Irrigation, Government of Andhra Pradesh, Hyderabad.
2 The Superintendent Engineer, Irrigation Department, Tenali, Guntur District.
3 The Deputy executive Engineer, Irrigation Department,

Duggirala, Guntur District.
4 The District Collector, Guntur.

5 2 CCs to the Government Pleader for Irrigation and Command

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